

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) TABITHA CROSS,	)	
	)	
PLAINTIFF,	)	
vs.	)	
	)	Case No. 17-CV-298-CVE-MJX
(1) M & M PRECISION COMPONENTS,	)	
(2) M & M MANUFACTURING, INC.,	)	(originally filed as Case No. CJ-2017-1449
(3) KENNETH STATTON,	)	In the District Court of Tulsa County, State
	)	of Oklahoma)
DEFENDANTS.	)	
	)	
	)	
	)	

**NOTICE OF REMOVAL**

Defendant M & M Manufacturing, Inc., pursuant to 28 U.S.C. §§1331, 1441, and 1446, removes this action from the District Court of Tulsa County, Oklahoma (where it was filed as Case No. CJ-2017-1449) to the United States District Court for the Northern District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. On April 17, 2017, Plaintiff filed suit in the District Court of Tulsa County, State of Oklahoma, against Defendants. The case was assigned Case No. CJ-2017-1449.
2. The Petition ("State Court Action") was served on M&M Manufacturing on or about May 22, 2017, via hand delivery. A true and correct copy of the State Court Action as received is attached as Exhibit 1 and the Summons received is attached as Exhibit 2. The return of service which was filed on May 24, 2017, is attached as Exhibit 3.
3. To the knowledge of M&M Manufacturing and based upon a review of the docket sheet, Plaintiff has not served either of the other Defendants as of the date of the filing of this Notice of Removal.

4. M&M Manufacturing has not yet filed an answer or responsive pleading in the State Court Action. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim that may be available.

5. The Petition alleges civil actions arising under the Constitution, laws or treaties of the United States as follows: The Petition alleges Plaintiff “exhausted her administrative remedies, and received her Notice of Suit Rights within the ninety (90) day period preceding the filing of this Complaint in State Court.” Exhibit 1 at ¶ 10. Plaintiff attached to her Petition the Notice of Right to Sue issued by the Equal Employment Opportunity Commission, Ex. A to Exhibit 1. The Petition alleges unlawful gender discrimination, hostile environment, and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, for which Plaintiff seeks damages. Ex. 1 at ¶¶ 12-18.

6. Removal of this action from the District Court of Tulsa County, State of Oklahoma, to this Court is, therefore, proper under 28 U.S.C. §1441(a) because this Court would have had original jurisdiction of the action under 28 U.S.C. §1331 had the action been initially filed in this Court.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) because it is filed within thirty (30) days of Defendant M&M Manufacturing’s receipt of the State Court Action on or about May 22, 2017, and within one (1) year of the commencement of the action. *See* Exs. 1-3. Only Defendant M&M Manufacturing has been properly served as of the date of this removal based upon the undersigned’s knowledge and a review of the state court docket, thus satisfying 28 U.S.C. § 1446(b)(2)(A).

8. Written notice of filing of this Notice of Removal will be given to Plaintiff, by and through her counsel in the State Court Action. Also, as required by 28 U.S.C. §1446(d), a

copy of this Notice will be filed with the Clerk of the District Court of Tulsa County, State of Oklahoma, the court in which the State Court Action was filed.

9. All papers served on Defendant M&M Manufacturing in the State Court Action at the time of this removal, consisting of the Petition and Summons, are attached as Exhibits 1-2, pursuant to 28 U.S.C. §1446(a) and LCvR 81.2.

10. Pursuant to LCvR 81.2, a true and correct copy of the docket sheet in the State Court Action, current through the date of this filing, is attached as Exhibit 4. According to the docket sheet, the only other document filed in the State Court Action is an Entry of Appearance, attached hereto as Exhibit 5.

11. No motions are currently pending in the State Court Action.

12. Defendant M&M Manufacturing will file a Status Report on the Removed Action in accordance with LCvR 81.2.

WHEREFORE Defendant M&M Manufacturing respectfully request that the above referenced action now pending in the District Court of Tulsa County, State of Oklahoma, be removed therefrom and proceed in this Court from this day forward as an action duly removed.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL &  
ANDERSON, L.L.P.

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*Attorneys for Defendant M&M  
Manufacturing, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Carla Stinnett  
Andrew Casey  
John Nobles  
Maxey Reilly

*s/Kristen L. Brightmire*

Kristen L. Brightmire

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